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EXAMINER

RAMAN, USHA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/891,380 | Applicant(s) AXELSSON ET AL. | |
| | Examiner USHA RAMAN | Art Unit 2424 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-17,27,28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-17,27,28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed December 31st, 2008 have been fully considered but they are not persuasive.

Applicant arguments (see Remarks, page 10) stating that, "the cited references do not disclose sharing of any future program information with others" have been noted. However Ellis discloses scheduling and receiving reminders of upcoming programs (see [0007], [0086]). Furthermore, Finseth notes that by sharing recommendations, "not only is a user able to conveniently see what programs of personal interest are scheduled to be aired, but the user is also able to see what programs friends or acquaintances **would find interesting**". Finseth is therefore directed to highlighting/alerting *future* programs based on user's interest and recommendation from others and accordingly teaches transmitting the notification prior to the selected program being available shows that the program guide can highlight *future* shows that would appeal to the user based on the user's interest and based on recommendations from user's friends. Accordingly applicant's characterization of Finseth stating (see Remarks, page 11) that, "Finseth discloses at most transmitting information about past programs already viewed by the user to another device" is misleading.

Applicant's arguments (see Remarks page 11) stating that, "Ellis does not disclose transmitting reminders to any mobile device or receiver of another user". It should be that claim language merely recite that alert message is forwarded as an SMS to a mobile handset. Furthermore, Finseth is relied upon for the teaching of

transmitting reminder notification to a receiver of another user (such as friends and/or acquaintances, see column 17 lines 61-65). As such, the combination of Ellis, Finseth and Collins teaches the aforementioned features. For these reasons, applicant's arguments (see Remarks page 11) stating that, "Ellis discloses only sending reminders to the user who selected a program, and Finseth discloses only sharing information on previously viewed programs" are found unpersuasive. Moreover, it should be noted that even Ellis discloses transmitting program guide notifications to a remote receivers for a spouse or a family member [0016].

Applicant's argues (see Remarks page 11) that, "the user television equipment (22) cannot be considered to be a "second receiver" and therefore, "Ellis does not disclose any communication between the user equipment and any other receiver, for any purpose". Examiner however respectfully disagrees as Ellis discloses that communication device 51 is a communication modem that communicates with remote EPG over remote access link [0057].

While applicant has attempted to argue the references individually, applicant should bear in mind that one cannot show nonobviousness by attacking references individually where the rejections are based on *combinations* of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, while Ellis teaches that two different program guides may communicate with each other [0070], Finseth is relied upon to show that each of the two guides are associated with a different receiver. As such the *combination* of Ellis and Finseth would yield a system wherein

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notifications can be transmitted by a first EPG associated with a first receiver to a second EPG associated with a second receiver, wherein Collins further discloses additionally transmitting the reminder alert of the selected program to a SMS mobile handset.

For these reasons stated above, the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 9-17, 27, 30, 32, 34 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828).

With regards to claim 1, Ellis discloses an apparatus comprising a first EPG at a first location comprising a user input configured to receive an input selecting a desired program (user selects a program listing using control device, see [0122]) for transmitting as a reminder to a second STB at a remote location (see [0086], [0087]). Ellis additionally discloses such reminders include upcoming program reminders and therefore teaches the step of “selecting a desired program scheduled to be available in the future”. See [0007], [0086]. The apparatus further comprises transmitter (communications device [0060]) for transmitting a notification of a

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program selected to the second remote apparatus comprising an EPG memory connected to a second receiver (22) prior to the selected program being available (“reminder maybe displayed much earlier”, [0086]). Ellis further discloses the step of transmitting an alert message indicating the selected program forwarded to a mobile handset (see [0059]) and therefore teaches the step of “transmitter also is configured to transmit an alert message indicating notification to be forwarded to a mobile handset”. Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], **“the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein”**) and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent that the first device can also receive the broadcast program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38, column 17 lines 59-65. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the “notifications” in the system of Ellis. Finseth in particular notes that by sharing recommendations, “not only is a user able

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to conveniently see what programs of personal interest are scheduled to be aired, but the user is also able to see what programs friends or acquaintances **would find interesting**". As such, Finseth discloses highlighting *future* programs based on user's interest and recommendation from others and therefore discloses transmitting the notification prior to the selected program being available shows that the program guide can highlight *future* shows that would appeal to the user based on the user's interest and based on recommendations from user's friends.

In other related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first terminal can send recommendations of programs they would find interesting to a second user thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further

modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

With regards to claim 2, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the communications means is a network modem (see [0057]).

With regard to claim 5, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that transmitter is arranged to transmit the notification as an electronic mail to the remote electronic program guide system (see [0087], [0124]).

With regards to claim 6, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the notification includes information indicating the program selected from the EPG (see fig. 9, and [0087]).

With regards to claims 7 and 9, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the user can remotely record a program. The modified system therefore comprises a remote notification including recording parameters for the program selected from the electronic program guide.

With regard to claim 10, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the recording

instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regards to claim 11, Ellis is silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Ellis in view of Collins by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

With regard to claim 12, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that reminders maybe issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]). The transmitting device comprises a transmitter [0060] that enables the communication between the two locations.

With regards to claim 13 the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Finseth discloses that the EPG system is incorporated into a integrated receiver decoder (see column 4 lines 19-25).

With regards to claim 14 the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein both the apparatus and the remote

device are devices capable of receiving broadcast programs. Ellis further discloses set top box as an exemplary device capable of receiving broadcast programs [0049].

With regards to claim 15 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis further discloses that the EPG system is incorporated into a mobile handset (see [0059]).

With regards to claim 16 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis discloses that the EPG system is incorporated into a television receiver (see [0049])

With regards to claim 17 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis discloses that the EPG system is incorporated into a mobile display appliance (see [0059]).

With regards to claim 27, Ellis discloses that steps of:

Generate an EPG comprising information regarding program to be received, wherein the EPG allows the identification of a program of interest (obtain program listings, [0120], display listings [0078]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], [0086]);

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Transmitting the notification of the program selected from the EPG system to at least one remote EPG memory (such as a STB see [0070], “the two guides maybe different guides that communicate in a manner or manners discussed and

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disclosed herein”, wherein the notification is transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]) prior to the selected program being available (reminders include upcoming program reminders, see [0007], [0086]); and

Transmitting an alert message (email message) indicating the notification of the program selected to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]).

Ellis is silent a first receiver that can receive broadcast program in communication with the EPG. Additionally, while Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another by sharing program guide recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the “notifications” in the system of Ellis.

In other related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email

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message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first STB can send recommendations of programs they would find interesting to a second user at a second STB thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

With regards to claim, 30, Ellis discloses an apparatus receiving a first EPG at an EPG memory (e.g. receiving EPG at computer);

A user input configured to receive an input selecting a desired program (user selects a program listing using control device, see [0122]) for transmitting as a reminder to a second STB at a remote location (see [0086], [0087]). Ellis additionally discloses such reminders include upcoming program reminders and

therefore teaches the step of “selecting a desired program scheduled to be available in the future”. See [0007], [0086].

A transmitter (communications device [0060]) configured to access a communications network and further being configured to transmit a notification of the program selected to the second remote apparatus comprising an EPG memory connected to a second receiver (22) prior to the selected program being available (“reminder maybe displayed much earlier”, [0086]).

Ellis further discloses the step of transmitting an alert message indicating the selected program forwarded to a mobile handset (see [0059]) and therefore teaches the step of “transmitter also is configured to transmit an alert message indicating notification to be forwarded to a mobile handset”.

Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], **“the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein”**) and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent that the first device can also receive the broadcast program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing

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recommendations among users of plurality of receivers remotely. See column 12, lines 33-38, column 17 lines 59-65. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the “notifications” in the system of Ellis. Finseth in particular notes that by sharing recommendations, “not only is a user able to conveniently see what programs of personal interest are scheduled to be aired, but the user is also able to see what programs friends or acquaintances **would find interesting**”. As such, Finseth discloses highlighting *future* programs based on user's interest and recommendation from others and therefore discloses transmitting the notification prior to the selected program being available shows that the program guide can highlight *future* shows that would appeal to the user based on the user's interest and based on recommendations from user's friends.

In a further related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable

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results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first terminal can send recommendations of programs they would find interesting to a second user thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

All the limitations of claim 32 are anticipated by limitations of claims 1 and 30. Claim 32 is therefore analyzed as claims 1 and 30 above.

With regard to claim 34, the modified system discloses all the limitations of the apparatus as claimed in claim 31, wherein the modified system further receives the notification as an email. See Ellis: [0087] and [0124]).

With regard to claim 38, the modified system discloses all the limitations of the apparatus as claimed in claim 32, wherein Ellis further discloses that reminders may be issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]).

4. Claims 3, 8, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat.

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6,813,775) and Collins et al. (US Pat. 6,424,828) and Haken (US PG Pub. 2004/0008972).

With regard to claims 3, and 33 the combination of Ellis in view of Finseth and Collins teaches all the elements of claims 1 and 31 respectively. The combination fails to teach an authorization means for determining if a notification received originated within an authorization remote electronic program guide system as recited in claim 3.

In a similar filed of endeavor, Haken teaches including an authorization means (i.e. comparing recommendations for flagged user names) or for determining if a notification received originated within an authorized remote electronic program guide system. See Haken: [0032], [0034].

It would have been obvious to one of ordinary skill in the art can to further modify the system in view of Haken by utilizing the authorization means to determine whether monitor remote notifications to filter out inappropriate reminders sent from un trusted sources and keeping notifications sent from reliable or trusted sources.

With regards to claims 8 and 35, the modified system discloses all the limitations of the apparatus as claimed in claims 3 and 33 respectively, wherein once a source of the notification has been deemed reliable, then it would be obvious to further authorize the recording of the program so that the user can view it at a later time.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828).

With regards to claim 28, Ellis discloses that steps of:

Providing an EPG for identification of a program of interest (obtain program listings, [0120]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], see [0086];

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Obtaining transmission of the notification of the program selected from the EPG to at least one remote EPG system (reminder maybe scheduled by a user with a local guide, transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]) prior to the selected program being available (reminders include upcoming program reminders, see [0007], [0086]); and

Obtaining transmission of an alert message (email message) indicating the notification to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]).

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on the step of

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transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a further related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would been obvious to further modify the system of Ellis in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

6. Claim 31, 34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775), Collins et al. (US Pat. 6,424,828)

With regards to claim 31, Ellis discloses a method of receiving a notification of a program scheduled to be available in the future (“reminder maybe displayed much earlier”, [0086]) selected from the EPG in a remote EPG system (reminder sent to the user via an alphanumeric pager; see [0124], see [0086]). Ellis discloses that the user may send remote notifications from a remote program guide on a computer to a STB but fails to disclose the step of the first device being a receiver receiving the selected program. Furthermore, while Ellis discloses that reminder notifications maybe sent via alphanumeric pagers [0124], Ellis is silent receiving the notification via SMS.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the “notifications” in the system of Ellis.

In a further related field, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

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All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth and Collins by allowing the user of a first receiver to send a reminder/recommendation notification of a future scheduled program that the first user finds interesting to a second user, wherein such notifications maybe received by the second terminal via SMS.

With regard to claim 34, the modified system discloses all the limitations of the apparatus as claimed in claim 31, wherein the modified system further receives the notification as an email. See Ellis: [0087] and [0124]).

With regards to claim 36, the modified system discloses all the limitations of the apparatus as claimed in claim 31, wherein the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regards to claim 37, the modified system discloses all the limitations of the apparatus as claimed in claim 36. The modified system is however silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Tue-Fri: 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

/Usha Raman/